



Docket No.: V9661.0072  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Cyrus R. Kumana et al.

Confirmation No.: 5138

Application No.: 10/669,869

Group Art Unit: 1616

Filed: September 23, 2003

Examiner: F.I. Choi

For: FORMULATION OF ORAL  
COMPOSITIONS COMPRISING  
ARSENIC TRIOXIDE AND METHODS OF  
USE THEREOF

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

**Timing of Filing of the Information Disclosure Statement:**

☐

This IDS is being filed before the First Office Action<sup>1</sup>.

☒

This IDS is being filed after the issuance of the First Office Action but before

<sup>1</sup> The IDS should, where possible, include a certification under 37 CFR § 1.97(e).



<b>FEE TRANSMITTAL</b> <b>For FY 2006</b>		<b>Complete if Known</b>	
		Application Number	10/669,869-Conf. #5138
		Filing Date	September 23, 2003
		First Named Inventor	Cyrus R. Kumana
		Examiner Name	F. I. Choi
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	1616
<b>TOTAL AMOUNT OF PAYMENT</b>		<b>(\$)</b>	180.00
		Attorney Docket No.	V9661.0072

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check	<input checked="" type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify):	
<input type="checkbox"/> Deposit Account      Deposit Account Number: <u>50-2215</u> Deposit Account Name: <u>Dickstein Shapiro Morin &amp; Oshinsky LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, <b>except for the filing fee</b>
<input type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
						<u>Small Entity</u>	
						<b>Fee (\$)</b>	<b>Fee (\$)</b>
<b>Fee Description</b>							
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<b>Total Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>		
42		- 20 = 0	x 0 = 0	0	<b>Fee (\$)</b>		<b>Fee Paid (\$)</b>
HP = highest number of total claims paid for, if greater than 20.							
<b>Indep. Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
4		- 3 = 0	x 0 = 0	0			
HP = highest number of independent claims paid for, if greater than 3.							
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>		<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	
- 100 =		/50	(round up to a whole number) x		=		
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)						<b>Fees Paid (\$)</b>	
Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement						180.00	

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	55,749
Name (Print/Type)	Cindy Yang	Telephone	(212) 277-6500
		Date	June 20, 2006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 262736904 US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: <u>6/20/06</u>	Signature:
	Cindy Yang

issuance of a Final Office Action<sup>2</sup>.

☐

This IDS is being filed after the issuance of a Final Office Action but before payment of the Final Fee<sup>3</sup>.

**Certifications:**

If checked, the undersigned makes the following statement(s):

☐

Statement under 37 CFR 1.97(e):

Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; and/or

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

☐

Statement under 37 CFR 1.704(d):

Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual

---

<sup>2</sup> The IDS *must* include *either* a certification under 37 CFR § 1.97(e) *or* the fee set forth in 37 CFR § 1.17(p).

<sup>3</sup> The IDS must include both a certification under 37 C.F.R. §1.97(e) *and* the fee set forth in 37 C.F.R. §1.17(p).

designated in 1.56(c) more than thirty days prior to the filing of this information disclosure statement.

**Fee Required by 37 CFR 1.97(c)(2) or 1.97(d)(2):**

☒

If checked, the fee of \$180.00 set forth in 37 CFR 1.17(p) is attached.

**Materiality:**

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Please charge our Credit Card in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2215, under Order No. V9661.0072.

Dated: June 20, 2006

Respectfully submitted,

By 

Charles E. Miller

Registration No. 24,576

Cindy Yang

Registration No. 55,749

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

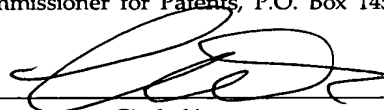
1177 Avenue of the Americas  
New York, New York 10036-2714  
(212) 277-6500  
Attorneys for Applicants

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 262736904 US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

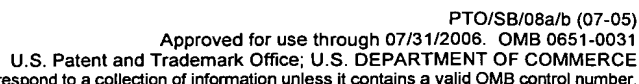
Dated: \_\_\_\_\_

6/20/06

Signature: \_\_\_\_\_



Cindy Yang



Substitute for form 1449A/B/PTO

*(Use as many sheets as necessary)*

Sheet	1	of	1
-------	---	----	---

**Complete if Known**

Application Number	10/669,869-Conf. #5138
Filing Date	September 23, 2003
First Named Inventor	Cyrus R. Kumana
Art Unit	1616
Examiner Name	F.I. Choi
Attorney Docket Number	V9661.0072

## NON PATENT LITERATURE DOCUMENTS

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

DOCSNY-201620v01